

1 John S. Williamson, Bar No. 106485
2 jwilliamson@williamsonlawgroup.net
3 Connie L. Benson, Bar No. 185680
4 cbenson@williamsonlawgroup.net
5 WILLIAMSON LAW GROUP
6 1851 East First St., Suite 1225
7 Santa Ana, CA 92705
8 (657) 229-7400/FAX: (657) 229-7444

9 Attorneys for Defendants, STEVEN KILTY; FBN TRANSPORTATION, LLC; AMSTON
10 SUPPLY, INC.; MARDAN TRANSPORTATION, LLC

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 MARGARET KEIPER and DAIL
14 KEIPER, JR., Individually and as the
15 Successors-in-Interest to DAIL KEIPER,
16 SR., Deceased,

17 Plaintiffs,

18 vs.

19 VICTOR VALLEY TRANSIT
20 AUTHORITY, a Governmental entity;
21 DINORAH AGUILAR; TRANSDEV
22 SERVICES, INC., a Maryland
23 Corporation; VEOLIA
24 TRANSPORTATION SERVICES, INC.,
25 A Corporation; STEVEN KILTY; FBN
26 TRANSPORTATION, LLC, a Wisconsin
27 Limited Liability Company; MARDAN
28 TRANSPORTATION LLC, a Wisconsin
Limited Liability Company; AMSTON
SUPPLY, INC., a Wisconsin Corporation;
and DOES 1 to 100, inclusive,

Defendants.

CASE NO. 5:15-CV-00703-BRO(SP_x)

**ANSWER OF DEFENDANT,
MARDAN TRANSPORTATION,
LLC, TO PLAINTIFFS'
COMPLAINT; DEMAND FOR JURY
TRIAL**

1 Defendant, MARDAN TRANSPORTATION LLC “(MARDAN”)), for itself
2 alone, answers the Complaint of Plaintiffs, by admitting, denying, and alleging as
3 follows:

4 1. Defendant MARDAN is without sufficient knowledge or information to
5 either admit or deny the allegations contained in this paragraph.

6 2. Defendant MARDAN is without sufficient knowledge or information to
7 either admit or deny the allegations contained in this paragraph.

8 3. Defendant MARDAN is without sufficient knowledge or information to
9 either admit or deny the allegations contained in this paragraph.

10 4. Defendant MARDAN is without sufficient knowledge or information to
11 either admit or deny the allegations contained in this paragraph.

12 5. Defendant MARDAN is without sufficient knowledge or information to
13 either admit or deny the allegations contained in this paragraph.

14 6. Defendant MARDAN is without sufficient knowledge or information to
15 either admit or deny the allegations contained in this paragraph.

16 7. Defendant MARDAN is without sufficient knowledge or information to
17 either admit or deny the allegations contained in this paragraph.

18 8. Defendant MARDAN is without sufficient knowledge or information to
19 either admit or deny the allegations contained in this paragraph.

20 9. Defendant MARDAN is without sufficient knowledge or information to
21 either admit or deny the allegations contained in this paragraph.

22 10. Defendant MARDAN is without sufficient knowledge or information to
23 either admit or deny the allegations contained in this paragraph.

24 11. Defendant MARDAN admits that MARDAN is a Wisconsin limited
25 liability company. Defendant is without sufficient knowledge or information to either
26 admit or deny the remaining allegations contained in this paragraph.

27 12. Defendant MARDAN is without sufficient knowledge or information to
28 either admit or deny the allegations contained in this paragraph.

1 13. Defendant MARDAN is without sufficient knowledge or information to
2 either admit or deny the remaining allegations contained in this paragraph.

3 14. Defendant MARDAN is without sufficient knowledge or information to
4 either admit or deny the remaining allegations contained in this paragraph.

5 15. Defendant MARDAN is without sufficient knowledge or information to
6 either admit or deny the remaining allegations contained in this paragraph.

7 16. Defendant MARDAN is without sufficient knowledge or information to
8 either admit or deny the remaining allegations contained in this paragraph.

9 17. Defendant MARDAN is without sufficient knowledge or information to
10 either admit or deny the remaining allegations contained in this paragraph.

11 18. Defendant MARDAN is without sufficient knowledge or information to
12 either admit or deny the remaining allegations contained in this paragraph.

13 19. Defendant MARDAN admits that it was the owner of the tractor
14 involved in this loss.

15 20. Defendant MARDAN admits that Defendant AMSTON SUPPLY, INC.
16 was the owner of the trailer involved in this loss.

17 21. Defendant MARDAN denies the allegations contained in this paragraph.

18 22. Defendant MARDAN is without sufficient knowledge or information to
19 either admit or deny the allegations contained in this paragraph.

20 23. Defendant MARDAN is without sufficient knowledge or information to
21 either admit or deny the allegations contained in this paragraph.

22 24. Defendant MARDAN is without sufficient knowledge or information to
23 either admit or deny the allegations contained in this paragraph

24 25. Defendant MARDAN is without sufficient knowledge or information to
25 either admit or deny the allegations contained in this paragraph.

26 26. Defendant MARDAN is without sufficient knowledge or information to
27 either admit or deny the allegations contained in this paragraph.

28 ///

1 27. Defendant MARDAN is without sufficient knowledge or information to
2 either admit or deny the allegations contained in this paragraph.

3 28. Defendant MARDAN is without sufficient knowledge or information to
4 either admit or deny the allegations contained in this paragraph.

5 29. Defendant MARDAN is without sufficient knowledge or information to
6 either admit or deny the allegations contained in this paragraph.

7 30. Defendant MARDAN is without sufficient knowledge or information to
8 either admit or deny the allegations contained in this paragraph.

9 31. Defendant MARDAN denies the allegations contained in this paragraph.

10 32. Defendant MARDAN incorporates by this reference, its responses to
11 Paragraph Nos. 1 through 31 as though fully set forth herein.

12 33. Defendant MARDAN is without sufficient knowledge or information to
13 either admit or deny the allegations contained in this paragraph.

14 34. Admit.

15 35. Defendant MARDAN denies the allegations contained in this paragraph.

16 36. Defendant MARDAN denies the allegations contained in this paragraph.

17 37. Defendant MARDAN denies that it was negligent or careless. Defendant
18 MARDAN is without sufficient knowledge or information to either admit or deny the
19 remaining allegations contained in this paragraph.

20 38. Defendant MARDAN denies the allegations contained in this paragraph.

21 39. Defendant MARDAN denies the allegations contained in this paragraph.

22 40. Defendant MARDAN is without sufficient knowledge or information to
23 either admit or deny the allegations contained in this paragraph.

24 41. Defendant MARDAN denies the allegations contained in this paragraph.

25 42. Defendant MARDAN is without sufficient knowledge or information to
26 either admit or deny the allegations contained in this paragraph.

27 43. Defendant MARDAN denies the allegations contained in this paragraph.

28 ///

1 44. Defendant MARDAN incorporates by this reference, its responses to
2 Paragraph Nos. 1 through 43 as though fully set forth herein.

3 45. Admit.

4 46. Defendant MARDAN is without sufficient knowledge or information to
5 either admit or deny the allegations contained in this paragraph.

6 47. Defendant MARDAN is without sufficient knowledge or information to
7 either admit or deny the allegations contained in this paragraph.

8 48. Defendant MARDAN is without sufficient knowledge or information to
9 either admit or deny the allegations contained in this paragraph.

10 49. Defendant MARDAN is without sufficient knowledge or information to
11 either admit or deny the allegations contained in this paragraph.

12 50. Defendant MARDAN is without sufficient knowledge or information to
13 either admit or deny the allegations contained in this paragraph.

14 51. Defendant MARDAN is without sufficient knowledge or information to
15 either admit or deny the allegations contained in this paragraph.

16 52. Defendant MARDAN incorporates by this reference, its responses to
17 Paragraph Nos. 1 through -51 as though fully set forth herein.

18 53. Defendant MARDAN denies the allegations contained in this paragraph.

19 54. Defendant MARDAN denies the allegations contained in this paragraph.

20 55. Defendant MARDAN is without sufficient knowledge or information to
21 either admit or deny the allegations contained in this paragraph.

22 56. Defendant MARDAN is without sufficient knowledge or information to
23 either admit or deny the allegations contained in this paragraph..

24 57. Defendant MARDAN is without sufficient knowledge or information to
25 either admit or deny the allegations contained in this paragraph.

26 58. Defendant MARDAN is without sufficient knowledge or information to
27 either admit or deny the allegations contained in this paragraph.

28 ///

1 59. Defendant MARDAN is without sufficient knowledge or information to
2 either admit or deny the allegations contained in this paragraph.

3 **AFFIRMATIVE DEFENSES**

4 60. Plaintiffs' Complaint fails to set forth facts sufficient to constitute a
5 cause of action against Defendant MARDAN.

6 61. Plaintiffs' Complaint fails to set forth facts sufficient to establish an
7 award for punitive damages against Defendant MARDAN.

8 62. That the resulting injuries and death from this loss, if any, were
9 proximately caused and contributed to by the negligence of Plaintiffs' decedent in
10 that he so negligently failed to exercise due care and caution for his own safety.

11 63. That Plaintiffs are barred from recovery against Defendant MARDAN
12 and that any damages proven to have been sustained by the Plaintiffs herein, would
13 be the direct and proximate result of the independent negligence and unlawful
14 conduct of independent third parties whether named or not named, or their agents,
15 and not any act or omission on the part of Defendant MARDAN.

16 64. Under and pursuant to the terms of California *Civil Code* Section 1413.1
17 through 1413.5, Plaintiffs are precluded from recovery against these responding
18 Defendants for any non-economic damages except those allocated to Defendant
19 MARDAN in direct proportion to its fault, if any such fault or damages there be.

20 **GRAVES AMENDMENT**

21 65. The liability of MARDAN is limited and pre-empted under the so-called
22 Graves Amendment as a lessor of vehicles engaged in interstate commerce. 49 U.S.C.
23 30106, et seq.

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREFORE, Defendant MARDAN prays that Plaintiffs' claims be denied
2 in their entirety and that Defendant MARDAN be awarded court costs and such other
3 and further relief as the Court may deem appropriate.

4 DATED: October 15, 2015

Respectfully submitted,

5 WILLIAMSON LAW GROUP

6
7 By: /s/ John S. Williamson

8 John S. Williamson

jwilliamson@williamsonlawgroup.net

9
10 Attorneys for Defendants,
11 STEVE KILTY; AMSTON SUPPLY,
12 INC., FBN TRANSPORTATION, LLC;
13 MARDAN TRANSPORTATION, LLC
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY

DEMAND IS HEREBY MADE by Defendant, MARDAN
TRANSPORTATION, LLC, that the above-captioned action be tried by a jury.

DATED: October 15, 2015

Respectfully submitted,

WILLIAMSON LAW GROUP

By: /s/ John S. Williamson

John S. Williamson

jwilliamson@williamsonlawgroup.net

Attorneys for Defendants,
STEVE KILTY; AMSTON SUPPLY,
INC., FBN TRANSPORTATION, LLC;
MARDAN TRANSPORTATION, LLC

CERTIFICATE OF SERVICE

I hereby certify that on 10/15/15, I electronically transmitted the following document(s) to the Clerk's Office using the CM-ECF System for filing and transmittal of Notice of Electronic filing to the following CM-ECF registrants:

DOCUMENT(S) SERVED:

ANSWER OF DEFENDANT, MARDAN TRANSPORTATION, LLC, TO PLAINTIFFS' COMPLAINT; DEMAND FOR JURY TRIAL

PARTIES SERVED:

Martin D. Gross

Martin@lawgross.com

LAW OFFICES OF MARTIN D. GROSS

2001 Wilshire Blvd., Suite 205

Santa Monica, CA 90403

(310) 453-8320/FAX: (310) 861-1359

ATTORNEYS FOR PLAINTIFFS, MARGARET KIEPER AND DAIL KIEPER, JR., INDIVIDUALLY AND AS THE SUCCESSORS-IN-INTEREST TO DAIL KEIPER, SR., DECEASED

David S. Kahn

dkahn@wwhgd.com

Marisa Rodriguez-Shapoval

mrodriguez-shapoval@wwhgd.com

WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC

6385 S. Rainbow Blvd., Suite 400

Las Vegas, NV 89118

(702) 938-3838 / (702) 938-3864

ATTORNEYS FOR DEFENDANTS, VICTOR VALLEY TRANSIT AUTHORITY, TRANSDEV SERVICES, INC., VEOLIA TRANSPORTATION SERVICES, INC., DINORAH AGUILAR

///

///

///

///

///

1 Glen F. Dorgan
2 Special Attorney to the Attorney General
3 Office of the U.S. Attorney
4 880 Front Street, Room 6293
5 San Diego, Ca 92101
6 (619) 546-7665 / (619) 546-7751
7 Glen.dorgan@usdoj.gov

8 **ATTORNEYS FOR THIRD-PARTY DEFENDANT UNITED STATES OF**
9 **AMERICA**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Brenda Rowland
Brenda Rowland